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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,903	07/25/2003	Clarence E. Cowan	TAL:1016.098	2423
7590	05/24/2005		EXAMINER	
Chernoff Vilhauer McClung & Stenzel, L.L.P. 1600 ODS Tower 601 SW Second Avenue Portland, OR 97204-3157			CHAN, EMILY Y	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/626,903	COWAN ET AL.	
	<b>Examiner</b> Emily Y. Chan	<b>Art Unit</b> 2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 09 March 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7-25-03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. In view of T.D. submitted on 2-28-05, the rejection under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 and 11 of US Patent No. 6,445,202 is withdrawn. In view of the newly discovered reference, a new rejection is applied as follows.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: the claimed feature that the "portion separating said device supporting surface from said thermal device recited in claims 1 and 11 and the "portion separating said device supporting surface from an electrical conductor" recited in the claims 6 and 16 are not disclosed in the specification. Appropriate correction is required.

#### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed feature that the "portion separating said device supporting surface from said thermal device recited in claims 1 and 11 and the "portion separating said device supporting surface from an electrical conductor" recited in the claims 6 and 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1- 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al ('263) in view of Hollman et al US Patent No. 6,424,141.

Regarding to claims 1 and 11, Peters et al ('263) disclose an enclosure (see Fig. 2) for a probe station chuck (14) including a device supporting surface (42a) (see Col. 3, lines 27-28) and a thermal device (thermal heaters) (see Col. 3, line 16). Peters et al ('263) also disclose that the enclosure (12) comprising a conductive wall (58) including (a) an inner surface (inner enclosure 52) defining a chamber substantially

enclosing the device supporting surface (42a) and (b) an outer surface (12) including a portion (housing 24a) substantially encircling a portion of the thermal device (see Fig.3 and Col. 4, line 30).

Peters et al ('263) do not disclose the chamber having a portion for separating the device supporting surface (42a) from the thermal device.

Hollman et al ('141) disclose a enclosure (see Fig. 1) for a probe station chuck comprising a device supporting surface (2) and a thermal device (5) (see Col. 9, lines 8-10 and Col. 12, lines 39-41) and exclusively teach a portion (solid insulator 4) for separating the device supporting surface (2) from the thermal device (5) (see Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to incorporate the portion for separating the device supporting surface from the thermal device as taught by Hollman et al ('141) in Peters et al ('263) 's chamber because Hollman et al ('141) disclose that their chamber ("chassis") provides a temperature, humidity, and light barrier for maintaining the desired environmental condition for the DUT (see Col. 5, lines 13-15).

Regarding to claims 2-3 and 12-13, Peters et al ('263) teach an electrically conductive connection of said conductive wall (54) to an instrument (see Col. 3, lines 35-36) and an electrically conductive connection of the instrument to a ground (see Fig. 2, EARTH, 32, 22).

Regarding to claims 4 and 14, Peters et al ('263) teach  
(a) an electrically conductive connection of said conductive wall (54) to an instrument (see Col. 3, lines 35-36); and

(b) a switch (56) having a first terminal selectively connectable to a second terminal, said second terminal being conductively connected to said conductive wall (54) and said first terminal being conductively connected to a ground (see Fig. 2, EARTH).

Regarding to claims 5 and 15, Peters et al ('263) teach an electrically conductive connection of the instrument to a ground (see Fig. 2, EARTH, 32, 22).

Regarding to claims 6 and 16, Hollman et al ('141) teach a portion (solid insulator 4) separating the device supporting surface (2) from an electrical conductor arranged to conduct electrical energy from a controller (see Col. 6, line 4, "temperature controller") to the thermal device (5) (see Col. 6, lines 1-8).

Regarding to claims 7-8 and 17-18, Peters et al ('263) teach an electrically conductive connection of said conductive wall (54) to an instrument (see Col. 3, lines 35-36) and an electrically conductive connection of the instrument to a ground (see Fig. 2, EARTH, 32, 22).

Regarding to claims 9 and 19, Peters et al ('263) teach  
(a) an electrically conductive connection of said conductive wall (54) to an instrument (see Col. 3, lines 35-36); and

(b) a switch (56) having a first terminal selectively connectable to a second terminal, said second terminal being conductively connected to said conductive wall (54) and said first terminal being conductively connected to a ground (see Fig. 2, EARTH).

Regarding to claims 10 and 20, Peters et al ('263) teach an electrically conductive connection of the instrument to a ground (see Fig. 2, EARTH, 32, 22).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emily Y. Chan whose telephone number is 571-272-1956. The examiner can normally be reached on 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 571-272-2034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EC  
5-11-05

  
**VINH NGUYEN**  
**PRIMARY EXAMINER**  
A.U. 2829  
05/12/05